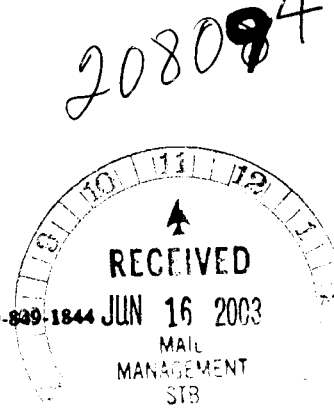




Post Office Box 131 Center Point, Iowa 52213-0131 319-839-1844  
Tom F. Neenan, Executive Director



June 9, 2003

ENTERED  
Office of Proceedings

JUN 16 2003

Re. AB33 (Sub No. 202X)

Vernon A. Williams, Secretary  
Surface Transportation Board  
1925 "K" Street  
Washington, D. C., 20423

Part of  
Public Record

Dear Secretary Williams:

This application is to supersede our earlier application which may have been filed prior to Union Pacific's official filing for abandonment. We are representing the interests of the Franklin County Conservation Board, a governmental body, thus we are not subject to the required \$150.00 fee.

**PETITION.** Please let this serve as our petition for the issuance of a Certificate or Notice of Interim Trail Use and the placement of a Public Use Condition on the above proposed abandonment by the Union Pacific Railroad Company of their right-of-way known as the Sheffield Industrial Lead, from Milepost 179.80 near Chapin to Milepost 173.90, near Sheffield, a distance of 5.9 miles in Franklin County, Iowa.

**NEED FOR PRESERVATION.** We have taken no position as to whether this proposed abandonment should be approved or rejected by the Surface Transportation Board. We believe that there is a serious need for preservation of this soon to be abandoned railroad right-of-way for possible reactivation of rail service with interim use as a trail to help preserve the land in proper condition for that reactivation of rail service. There is a definite need for energy efficient transportation in this area of Iowa and preserving this right-of-way as a trail would serve that additional purpose.

**OTHER FACTORS.** In addition, preservation of this right-of-way would serve to provide an opportunity for installation of utility lines, both overhead and underground. Use of this corridor for those purposes would be preferred to taking agricultural land from production of food for this purpose.

**INTERIM TRAIL USE.** We request that, if abandonment of this line is to be approved by the Board, that a Notice of Interim Trail Use and a Public Use Condition be placed upon this abandonment, in order to make the right-of-way available for possible reactivation of rail service in the future.

**PUBLIC USE CONDITION.** A Public Use Condition needs to be placed upon this abandonment because of the serious lack of the availability of such land for public use in Iowa, a State which ranks next to the bottom in land held for public use. This particular abandonment, when converted to a public trail, would also serve the purpose of joining together other such trails so as to make

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**Executive Director**  
Tom Neenan, Center Point

it attractive as an economic asset to the area. Acquisition of this corridor ties in with stated prepared plans for trail development statewide. It will further enhance the preservation of wildlife which has been vastly depleted in Iowa in the last century.

**NEGOTIATION TIME PERIOD REQUIRED.** Our experience in dealing with such acquisitions over the past twenty years leads us to believe that we will need a minimum of 180 days in which to negotiate with the railroad for acquisition of this land for the purpose of creating a public trail. We request that the Board specify at least this amount of time for this purpose. During this time we request that no bridges, trestles, culverts, ballast and other such items be removed, these items being important to the purpose for which we seek this corridor.

**WILLINGNESS TO ASSUME.** The Iowa Trails Council, representing the interests of the Franklin County Conservation Board, as shown by the accompanying letter, together with that board, is willing to assume full responsibility for the management of the land, for any legal liability arising out of the transfer or use of this land (unless the user is immune from liability) and for the payment of any and all taxes that may be levied or assessed against this land following transfer of title.

**CONTINUING TO MEET RESPONSIBILITIES.** The Council acknowledges, as well, for itself and for the boards, that it is understood that the use of this right-of-way as a trail is contingent upon the Council and the Conservation Boards continuing to meet the financial responsibilities described above.

**POTENTIAL REACTIVATION OF RAIL SERVICE.** It is also agreed that the use of this right of-way as a trail will be terminated if there is a need in the future, for reactivation of rail service, as provided by U. S. C. 1247 and CFR 1159.28, Section 8 (d) of the National Trails System Act Amendment of 1983.

**ENCLOSURES.** We are attaching ten copies of a map depicting the area where the proposed abandonment lies and are providing ten copies of this application. We are, as well, sending copies of this application to the Legal Offices of the Union Pacific Railroad Company at 101 North Wacker Drive in Chicago, Illinois, 60606, as well as the company's real estate office at 1800 Farnam St in Omaha, NE., 68102.

Sincerely,

A handwritten signature in dark ink, appearing to read "Tom Neenan", with a stylized flourish at the end.

Tom Neenan  
Executive Director



# *Franklin County Conservation Board*

1002 Central Ave. West - P.O. Box 164 - Hampton, Iowa 50441  
Phone (641) 456-4375

## **Board Members**

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Dennis Carlson - Director  
Matt Handeland - Naturalist  
Rick Rieken - Ranger

February 26, 2003

To Whom it may concern,

The Franklin County Conservation Board is being represented by the Iowa Trails Council in the process of the interim trail use of the Union Pacific Railroad lines from Hampton to Bristow (Bristow subdivision) and the Sheffield to Chapin ( Sheffield Industrial Lead).

Sincerely,

Dennis Carlson, director

